

State of California, State Water Resources Control Board

Division of Water Rights

P.O. Box 2000, Sacramento, CA 95812-2000

Info: (916) 341-5300, FAX: (916) 341-5400 Web: <http://waterrights.ca.gov>

S011102

2005, 2006, 2007

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE FORM

Owner(s) of Record:

MICHAEL GERBER

Notifying the Division of Water Rights of ownership or address changes is the responsibility of the claimant

Please Complete and Return This Form by JULY 1, 2008

Primary Contact:

MICHAEL GERBER  
619 FAIRLAND AVE  
MODESTO, CA 95357

Agent:

Address:

Phone No. 209-571-3006

Fax No.

E-mail Address:

Phone No.

Fax No.

E-mail Address:

Source Name: TUOLUMNE RIVER

Tributary To:

County: Stanislaus

Diversion within: NW 1/4 of SW 1/4 Section 22, T 3 S, R 10 E, MDB&M

Year of First Use: 1917

Name of Diversion works:

Assessor Parcel Number  
of the Diversion site:

2008 OCT -3 PM 1:24  
DIV OF WATER RIGHTS  
SACRAMENTO  
STATE WATER RESOURCES  
CONTROL BOARD

A. **Water is Used Under:** Riparian claim ☒ Pre-1914 claim ☐ Court Decree No.:  Other (explain):

B. **Year of First Use:** (Please provide if missing in the Division of Rights database (ewrims))

C. **Rate of Diversion:** The rate of diversion of water for each month used and entered in the table below is shown in units of:  
Gallons per minute (gpm)  Gallons per day (gpd)  Cubic feet per second (cfs)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Average Rate
2005	/	/	/	102,000	246,000	246,000	410,000	410,000	328,000	205,000	/	/	
2006	/	/	/	95,000	234,000	234,000	390,000	390,000	312,000	195,000	/	/	
2007	/	/	/	90,000	222,000	222,000	370,000	370,000	296,000	185,000	/	/	

D. **Quantity of Water Used:** The quantity of water used each month and entered in the table below is shown in units of:  
Gallons  Million Gallons (MG)  Acre-feet (AF)

Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2005	/	/	/	.13	.28	.28	.46	.46	.39	.23	/	/	
2006	/	/	/	.12	.26	.26	.44	.44	.37	.22	/	/	
2007	/	/	/	.10	.24	.24	.41	.41	.33	.20	/	/	

E. **Purpose of Use** - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation 100 acres; Stockwatering ; Domestic ;  
Other (specify)

Parcel Number(s) of Place of Use:

F. **Changes in Method of Diversion** - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) see # G 1, 9

G. Please answer only those questions below which are applicable to your project.

1. Conservation of water

a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated: Changed 28 Acres from pull sprinklers to Micro sprinklers, Decreased pump run time

b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:

Reduction in Diversions:

Year  (AF/MG) Year  (AF/MG) Year  (AF/MG)

Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to conservation efforts. YES \_\_\_\_\_ NO \_\_\_\_\_

2. Water quality and wastewater reclamation

- a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree which unreasonably affects such water for other beneficial uses? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_\_ NO \_\_\_\_\_

3. Conjunctive use of surface water and groundwater

- a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_\_ NO ☒
- b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)  
I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_\_ NO \_\_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: Sept 10, 2008 at Modesto, California

SIGNATURE: \_\_\_\_\_

PRINTED NAME: Michael J GARBER  
(first name) (middle initial) (last name)

COMPANY NAME: \_\_\_\_\_

ITEM \_\_\_\_\_ If there is insufficient space for your answers, please use the space provided below or add an attachment sheet.  
CONTINUATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

GENERAL INFORMATION PERTAINING TO WATER RIGHTS IN CALIFORNIA

There are two principal types of surface water rights in California. They are riparian and appropriative rights.

A riparian right enables an owner of land bordering a natural lake or stream to take and use water on his riparian land. Riparian land must be in the same watershed as the water source and must never have been severed from the sources of supply by an intervening parcel without reservation of the riparian right to the severed parcel. Generally, a riparian water user must share the water supply with other riparian users. Riparian rights may be used to divert the natural flow of a stream but may not be used to store water for later use or to divert water which originates in a different watershed, water previously stored by others, return flows from use of groundwater, or other "foreign" water to the natural stream system.

An appropriative right is required for use of water on non-riparian land and for storage of water. Generally, appropriative rights may be exercised only when there is a surplus not needed by riparian water users. After the formation of the California Water Commission back on December 19, 1914, new appropriators have been required to obtain a permit and license from the State. Appropriative rights can be granted to waters "foreign" to the natural stream system.

Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users as set forth in Water Code section 5100 with specific exceptions. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversions, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include: (1) Statements of Water Diversion and Use, (2) Information Pertaining to Water Rights in California, and (3) Appropriation of Water in California.



**Dan Skopec**  
Acting Secretary

# State Water Resources Control Board

## Division of Water Rights

1001 I Street, 14<sup>th</sup> Floor ♦ Sacramento, California 95814 ♦ 916.341.5300  
Mailing Address: P.O. Box 2000 ♦ Sacramento, California 95812-2000  
FAX: 916.341.5400 ♦ [www.waterrights.ca.gov](http://www.waterrights.ca.gov)

SURNAME



**Arnold Schwarzenegger**  
Governor

**MAY 23 2006**

In Reply Refer  
to:CN:S011102

Michael Gerber  
Rio Vista Ranch  
619 Fairland Avenue  
Modesto, CA 95357

Dear Mr. Gerber:

OWNER ASSIGNMENT OF STATEMENT OF WATER DIVERSION AND USE  
NO. S011102 FOR DIVERSION FROM TUOLUMNE RIVER, STANISLAUS COUNTY

On April 5, 2006 the State Water Resources Control Board, Division of Water Rights (Division) received a Supplemental Statement Of Water Diversion and Use indicating that you are now primary owner of the Riparian claim.

Division staff has updated the ownership information of Statement of Water Diversion and Use No. S011102 to show the following:

Statement ID:	S011102
Current Owner:	Michael Gerber
Mailing Address:	Rio Vista Ranch 619 Fairland Avenue Modesto, CA 95357
Telephone:	(209) 571-3006

A Supplemental Statement will be mailed to you every three years. There is no fee for filing a Supplemental Statement.

Should you have questions regarding this matter, please call me at (916) 322-8465.

Sincerely,

**ORIGINAL SIGNED BY:**

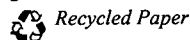
Catherine A. Nease  
Staff Analyst  
Data Management Unit



CN:lv 5/15/06  
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**California Environmental Protection Agency**

SURNAME





S011102%\$%2005

2003, 2004, 2005

**SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE**

If the information below is inaccurate, please line it out in red and provide current information.  
Notify this office if ownership or address changes occur during the coming year.

Please Complete and Return This Form by JULY 1, 2005.

\*If the mail recipient's name, address or phone No. is wrong or missing, please correct.

Owner of Record: ~~MTSP (A CALIF PARTNERSHIP)~~

Michael GERBER

PRIMARY CONTACT OR AGENT FOR MAIL & REPORTING:

~~MTSP (A CALIF PARTNERSHIP)~~

915 - 17TH ST  
MODESTO, CA 95354

10035799  
Michael GERBER  
Rio Vista Ranch  
619 Fairland Ave  
Modesto, CA 95357

STATEMENT NO.: S011102  
CONTACT PHONE NO.: (209) 523-8331

(209) 571-3006

Source Name: TUOLUMNE RIVER

Tributary To: SAN JOAQUIN RIVER

County: Stanislaus

Diversion Within: NW1/4 of SW1/4 Section 22, T03S, R10E, MB&M

Year of First Use: 1917

Parcel Number:

- A. Water is Used Under: Riparian claim ☒ Pre-1914 right ☐ Other (explain): ☐
- B. Year of First Use: (Please provide if missing above) Prior to 1970 (by previous owners)
- C. Amount of Use: Enter the amount (or the approximate amount) of water used each month using the table below.

Amounts below are in: Gallons				Million Gallons (MG)				Acre-feet (AF) <input checked="" type="checkbox"/>			Other		
Year	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Total Annual
2003				.5	.5	.5	.5	.5	.5				
2004				.5	.5	.5	.5	.5	.5				
2005				.5	.5	.5	.5	.5	.5				

- D. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.  
Irrigation ± 100 (98-101) acres; Stockwatering \_\_\_\_\_; Domestic \_\_\_\_\_  
Other (specify) \_\_\_\_\_
- E. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed.  
(New pump, enlarged diversion dam, location of diversion, etc.) \_\_\_\_\_
- F. Please answer only those questions below which are applicable to your project.
1. Conservation of water
- a. Are you now employing water conservation efforts? YES ☒ NO ☐  
Describe any water conservation efforts you have initiated:  
Specific watering hours, Drip irrigation, Repaired all leaks
- b. If you are claiming credit for water conservation under section 1011 of the Water Code for your claimed pre-1914 appropriative right, please show the amount of water conserved:
- Reduction in Diversions:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- Reduction in consumptive use:  
Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG) Year \_\_\_\_\_ (AF/MG)
- I have data to support the above surface water use reductions due to conservation efforts. YES ☐ NO ☐

2. Water quality and wastewater reclamation

a. Are you now or have you been using reclaimed water from a wastewater treatment facility, desalination facility or water polluted by waste to a degree, which unreasonably affects such water for other beneficial uses? YES \_\_\_\_ NO X

b. If you are claiming credit due to the substitution of reclaimed water, desalinated water or polluted water in lieu of a claimed pre-1914 appropriative right under section 1010 of the Water Code, please show amounts of reduced diversions and amounts of substitute water supply used:

Amount of reduced diversion:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

State the type of substitute water supply: \_\_\_\_\_

Amount of substitute water supply used:  
Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of a substitute water supply. YES \_\_\_\_ NO \_\_\_\_

3. Conjunctive use of surface water and groundwater

a. Are you now using groundwater in lieu of surface water? YES \_\_\_\_ NO X

b. If you are claiming credit due to the substitution of groundwater for a claimed pre-1914 appropriative right under section 1011.5 of the Water Code, please show the amounts of groundwater used:

Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG) Year \_\_\_\_ (AF/MG)

I have data to support the above surface water use reductions due to the use of groundwater. YES \_\_\_\_ NO \_\_\_\_

I understand that it may be necessary to document the water savings claimed in "F" above if credit under Water Code sections 1010 and 1011 is sought in the future.

I declare that the information in this report is true to the best of my knowledge and belief.

DATE: April 3, 2006 at Modesto, California

SIGNATURE: [Signature]

PRINTED NAME: Michael J GORSER  
(first name) (middle initial) (last name)

COMPANY NAME: Rio Vista Ranch

If there is insufficient space for your answers, please use the space provided below.

ITEM	CONTINUATION
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
Division of Water Rights

JAN 28 1992

P.O. BOX 2000 SACRAMENTO, CA 95810  
901 P ST. SACRAMENTO, CA  
(916) 322-4503

STATE WATER RESOURCES  
CONTROL BOARD

(916) 324-5676

SUPPLEMENTAL STATEMENT OF WATER DIVERSION AND USE

1992 MAR 19 PM 2:32

DIV. OF WATER RIGHTS  
STATEMENT NO. 019102  
SACRAMENTO

DIVERTER OF RECORD:

MTSP (A CALIF PARTNERSHIP)  
915 - 17TH STREET  
MODESTO, CA 95354

TELEPHONE NUMBER:  
(209) 523-8331

IF NAME/ADDRESS/PHONE NO. IS WRONG OR MISSING, PLEASE CORRECT.

SOURCE: TUOLUMNE RIVER

TRIBUTARY TO: SAN JOAQUIN RIVER

COUNTY: STANISLAUS

DIVERSION

WITHIN: NW1/4 OF SW1/4 SECTION 22, T03S, R10E, MDB&M.

INSTRUCTIONS: Please complete Items A, B and C. Item D should be completed if you replaced all or part of your regular water supply with reclaimed or polluted water. RETURN THIS FORM BY JULY 1, 1992. (Additional information on reverse side of this form.)

- A. Amount of Use - Fill in the amount of water used each month. If monthly and annual use are not known, check the months in which water was used.
- Amounts below are: ☐ Gallons ☒ Acre-feet ☐ (other)

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Total Annual
1989			15	15	30	30	30	30	30	15			
1990		30	15	15	30	30	30	30	30	15			
1991	30	30		15	30	30	30	30	30	15		15	

- B. Purpose of Use - Specify number of acres irrigated, stock watered, persons served, etc.

Irrigation Walnut Trees 27 Acres

Stockwatering \_\_\_\_\_

Domestic \_\_\_\_\_

Other (specify) \_\_\_\_\_

- C. Changes in Method of Diversion - Describe any changes in your project since your previous statement was filed. (New pump, enlarged diversion dam, location of diversion, etc.)

None

- D. If part of the water listed in Part A consists of reclaimed or polluted water, please indicate the annual amounts of reclaimed or polluted water in the space below.

None

I declare under penalty of perjury that the information in this report is true to the best of my knowledge and belief.

DATED: 3/17/ 19 92 at Modesto California

Signature: Mike Bunker

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Statements of Water Diversion and Use must be filed by riparian and pre-1914 appropriative water users. The filing of a statement (1) provides a record of water use, (2) enables the State to notify such users if someone proposes a new appropriation upstream from their diversion, and (3) assists the State to determine if additional water is available for future appropriators.

The above discussion is provided for general information. For more specific information concerning water rights, please contact an attorney or write to this office. We have several pamphlets available. They include:

"Statements of Water Diversion and Use"

"Information Pertaining to Water Rights in California"

"Water Rights for Stockponds Constructed Prior to 1969"

"Appropriation of Water in California"